

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO.,  
INC., an Alaska Corporation  
Plaintiff/Appellant,  
vs. Civil No. A03-006 CV (JWS)

UNITED STATES OF AMERICA, IN ADMIRALTY  
Acting by and through  
THE UNITED STATES DEPARTMENT OF  
THE NAVY MILITARY SEALIFT COMMAND,  
And THE UNITED STATES DEPARTMENT  
OF MANAGEMENT COMMAND,

Defendants/Appellees.

---

30(b)(6) DEPOSITION OF SAMSON TUG AND BARGE CO., INC.

July 27, 2007

- - -

Transcribed by Susan Dillon

*Exhibit 'B-13'*

1 APPEARANCES

2

3 JEANNE M. FRANKEN

4 Attorney at Law

5 U.S. DEPARTMENT OF JUSTICE

6 Civil Division

7 450 Golden Gate Avenue

8 7-5395 Federal Building

9 San Francisco, California 94102

10 (415) 436-6644

11 (415) 436-6632

12 JEANNE.FRANKEN@USDOJ.GOV

13 Appearing on behalf of the Defendants/Appellees, United

14 States of America

15

16

17

18

19

20

21

22

23

24

25

Page 3

## Exhibit Index

Exhibit No.		Page
Exhibit 111	30(b)(6) Notice of Examination Before Trial	4

15

1 SEATTLE, WASHINGTON;

2 JULY 27, 2007

3 10:00 A.M.

4 MS. FRANKEN: All right, on the  
5 Record. My name is Jeanne Franken and I am the  
6 attorney for the United States in the action that has  
7 been brought by Samson Tug and Barge against the  
8 Federal Government in a case pending in District Court  
9 in Alaska.

10 I noticed a Federal Rule Civil  
11 Procedure 30(b) (6) deposition of Plaintiff Samson Tug  
12 and Barge on a variety of subjects, six in number,  
13 back on, in July of 2007 and Samson Tug and Barge  
14 has advised me that they will not be producing  
15 witnesses on these subjects today, although they have  
16 had about a month's notice for these depositions.

17 They have sent, written letters with  
18 that in it, and also advised me verbally and by email  
19 either late last night or I saw it first this  
20 morning. In fact they were standing by that  
21 decision, although I had advised them that I intended  
22 to proceed if they did not either obtain a protective  
23 order or at least seek a protective order as is  
24 required under the Federal Rules.

25 To my knowledge they have not made

16

Page 5

1 any effort to obtain a protective order with regard  
2 to these subjects. With that in mind, I continue to  
3 advise them that I would convene the depositions. It  
4 is now 15 minutes past the time that the depositions  
5 were noticed for and no one has appeared.

6 So, with that said, I will now just note  
7 on the record again that no witnesses have been  
8 produced and no protective order has been sought and  
9 none has been obtained. I have told the other side  
10 that I would make appropriate motions at the correct  
11 time with regard to this matter and that I do not  
12 agree with the basis for their decision to not produce  
13 witnesses at this time.

14 With that said, this is the end of  
15 this proceeding. Oh, and let me mark a copy of the  
16 notice, although I noticed what I had you mark is  
17 actually not a signed copy, but I have a signed copy.  
18 So we will mark a notice that shows that actually  
19 service was made on, not in July, but on June 29,  
20 2007, of the notice both by telefax and first class  
21 mail and Samson has conceded that they have been in  
22 receipt of the notice now for about six weeks. So  
23 we will mark that as Exhibit 111, next in order.  
24 Thank you.

25 (Whereupon, Exhibit 111 was marked for

17

1 identification.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, Susan F. Dillon, do hereby certify that the matter herein mentioned on the preceding title page was transcribed. I transcribed all requested audio in its entirety in the foregoing matter; and that the foregoing transcript pages constitutes a full, true and correct record of such audio.

IN WITNESS HEREOF, I have hereunto set my hand this 31st day of March, 2008.

Susan Dillon

Susan F. Dillon